

SENATE BILL 186
By Ford J

AN ACT to amend Tennessee Code Annotated, Title 33, relative to services concerning developmental disabilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 33, Chapter 5, Part 1, is amended by adding the following as a new section:

Section 33-5-109. (a) The department shall make available home- and community-based supports for service recipients with mental retardation and other developmental disabilities whom:

- (1) Have made application for supports;
- (2) Have been determined by the department to be eligible for support;

and

(3) Have been included on a waiting list maintained by the department or an authorized agent of the department.

(b)

(1) From July 1, 2003 through June 30, 2008, eligible service recipients who request support shall receive necessary services and supports with reasonable promptness. Eligible service recipients who are in crisis shall receive

needed services as quickly as possible but such time shall not exceed ninety (90) days.

(2) On and after July 1, 2008, eligible service recipients who request support shall receive necessary services within ninety (90) days.

(c) On and after July 1, 2003, in addition to any other requirement of this title, newly developed services and supports shall adhere to the following principles:

(1) Services and supports shall be flexible and meet the needs of each person with a disability and the person's family;

(2) Services and supports shall be person-centered, respecting each person's choices and preferences; and

(3) Services and supports shall be respectful of the decisions and integrity of each person and the person's family.

SECTION 2. Tennessee Code Annotated, Title 33, Chapter 5, Part 1, is amended by adding the following as a new section:

Section 33-5-110. The department shall offer assistance to increase provider capacity in the community. The department shall provide for mentoring and start-up support for new agencies and for existing agencies that seek to provide services to additional service recipients.

SECTION 3. Tennessee Code Annotated, Title 33, Chapter 5, Part 1, is amended by adding the following as a new section:

Section 33-5-111. The commissioner shall designate an entity to serve as a local point of access for persons with mental retardation and other developmental disabilities who request services and supports or information concerning services and supports. The designated entity shall ensure that service recipients and their families have a local point of contact when such persons are in need of assistance.

SECTION 4. Tennessee Code Annotated, Title 33, Chapter 5, Part 1, is amended by adding the following as a new section:

Section 33-5-112. (a)(1) The department shall develop a supportive services program to long-term support services. The program shall provide personal support services emphasizing individual and family control and choice. Services shall be provided based on an individual planning process.

(2) Such program shall be funded by means of a federal waiver or waivers under the medical assistance program operated under title 71, chapter 5, part 1, for persons eligible for medical assistance and funded with state resources for persons not eligible for medical assistance.

(3) Beginning July 1, 2003, the supportive services program shall develop capacity to serve four thousand (4,000) new service recipients on or before June 30, 2006 according to the following schedule:

(A) Eight hundred (800) additional slots on or before June 30, 2004;

(B) Eight hundred (800) additional slots on or before June 30, 2005;

(C) Eight hundred (800) additional slots on or before June 30, 2006;

(D) Eight hundred (800) additional slots on or before June 30, 2007; and

(E) Eight hundred (800) additional slots on or before June 30, 2008.

(b)(1) The department shall reconfigure the comprehensive services level long-term support services.

(2) Beginning July 1, 2003, the comprehensive services program shall develop capacity to serve three thousand (3,000) new service recipients on or before June 30, 2008 according to the following schedule:

(A) Six hundred (600) additional slots on or before June 30, 2004;

(B) Six hundred (600) additional slots on or before June 30, 2005;

(C) Six hundred (600) additional slots on or before June 30, 2006;

(D) Six hundred (600) additional slots on or before June 30, 2007;

and

(E) Six hundred (600) additional slots on or before June 30, 2008.

SECTION 5. Tennessee Code Annotated, Title 33, Chapter 5, Part 2, is amended by adding the following as a new section:

Section 33-5-212. (a) The family support program shall be expanded to:

(1) Assist families while capacity is built for long-term supports;

(2) Support families by moderating a family's need for more intensive supports;

(3) Assist in providing less comprehensive supports to families and individuals to delay the need for long-term supports; and

(4) Reduce the pressure and risk of crisis for some families and individuals.

(b) Beginning July 1, 2003, the family support program shall develop capacity to serve three thousand three hundred-fifty (3,350) individuals or families on or before June 30, 2008 according to the following schedule:

(1) Six hundred seventy (670) additional slots on or before June 30, 2004;

(2) Six hundred seventy (670) additional slots on or before June 30, 2005;

(3) Six hundred seventy (670) additional slots on or before June 30, 2006;

(4) Six hundred seventy (670) additional slots on or before June 30, 2007; and

(5) Six hundred seventy (670) additional slots on or before June 30, 2008.

SECTION 6. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

SECTION 7. This act shall take effect July 1, 2003, the public welfare requiring it.